

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1216018-0

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SAC, Chicago

5-7-76

Director, FBI

OTTO KERNER, JR.

Application for Pardon After Completion of Sentence

OO: Bureau

BUDED ~~XXXXXXXXXX~~

(Completion) 5-21-76 :

Reference is made to the Pardon Attorney's letter which is enclosed with applicant's petition and related documents.

Conduct investigation in accordance with Chapter 5, Part III, FBI Handbook (Section 16, Manual of Instructions.)

Enc. (9)

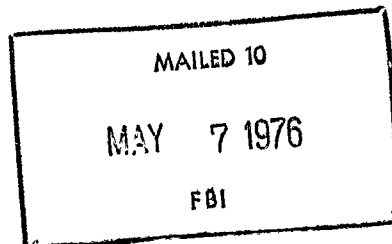
During interview of applicant, no comments should be made regarding applicant being granted a presidential pardon.

In addition to applicant's petition and related documents, there is enclosed a waiver to be executed by the applicant authorizing IRS to furnish tax information to the Pardon Attorney. This document should be returned to Bureau with the initial report.

Initial report should contain a statement in the details that applicant executed a waiver authorizing the IRS to release income tax information to the Pardon Attorney.

In accordance with the Pardon Attorney's memorandum the applicant's doctors and probation officer should be interviewed. Also note two week deadline since Pardon Attorney has requested expedite investigation.

HLB:das
(4)



RECEIVED: 5-7-76

RETURN TO
ROOM 3642

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b7c

MAIL ROOM ☐

TELETYPE UNIT ☐

F B I

Date: 5/12/76

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Precedence)

TO: DIRECTOR, FBI

FROM: SAC, CHICAGO (73-1555)(RUC)

SUBJECT: OTTO KERNER, JR.
APACS
OO: BUREAU
BUDED 5/21/76

Re Bucalls, 5/7, 10/76 and Bulet to Chicago
dated 5/7/76.

Enclosed for the Bureau are applicant's petition
and related documents.

Enclosures being returned upon applicant's
death per instructions of Bucall 5/10/76.

(2- Bureau (Encls. 7)
1- Chicago
EJN:pmb
(3)

EX-117

REC-92

73-18291-2

ENCLOSURE ATTACHED

MAY 14 1976

Spec. Inv.

2cc's destroyed

Approved: 708 RGH/RG

Sent _____

M Per _____

57 JUN 23 1976

Special Agent in Charge

ENCLOSURES TO BUREAU FROM
SAC, CHICAGO (7)

OTTO KERNER, JR.
APACS
OO: BU
BUDED 5/21/76

Encl are applicant's petition and related documents.

Sent by airtel dated 5/12/76.

CG File 73-1555

ENCLOSURE (7 TO (LETTER) (AIRTEL)

TO: SAC, Chicago

DATED 5-9-76

RE: Atto Kerner Jr.

Apacs

280

ENCLOSURE

73-18291-2

UNITED STATES GOVERNMENT

Memorandum

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Assoc. Dir. _____
Dep. AD Adm. _____
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Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

TO : [REDACTED] DATE: 5-7-76

FROM : G. R. Steel *GRS*

SUBJECT: OTTO KERNER, JR.
APPLICATION FOR PARDON
BUDED: 5-21-76

PURPOSE:

To advise Pardon Attorney has requested expedite investigation of Kerner, former Governor of Illinois.

DETAILS:

According to his petition, Kerner was convicted in U. S. District Court, Northern District of Illinois, of conspiracy, mail fraud, false declarations, and tax evasion. He was sentenced on 4-20-73 to 3-years imprisonment and fined \$20,000. He has indicated the fine has been paid. Due to the applicant's terminal illness, the Deputy Attorney General has waived the required five-year waiting period after completion of sentence. Doctors have advised Kerner has cancer in both lungs and the skeletal system with no hope of eliminating or retarding the disease. Investigation being ordered separately to the field with a two-week deadline.

RECOMMENDATION:

For your information. You will be advised of any pertinent developments.

- 1 - Mr. Mintz
- 1 - Mr. D. W. Moore
- 1 - Mr. Fehl
- 1 - Mr. Steel
- 1 - [REDACTED]

APPROVED:

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____

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Spec. Inv. _____
Training _____

HLB:hjc

(6)

REC 32

73-18291-3

3 JUN 17 1976

54 JUN 24 1976

73-18291

Ex-Gov. Otto Kerner, 67, Dies

By Martin Weil

Washington Post Staff Writer

Otto Kerner, 67, the former governor of Illinois and head of the federal riot investigating commission who was convicted in a racetrack scandal, died yesterday in Chicago.

Mr. Kerner, who had been paroled from prison last year because of failing health, died at 4:35 a.m. at Illinois Masonic Medical Center where he had been undergoing treatment for cancer.

At the time of his death, efforts were under way to obtain a Presidential pardon for the former U.S. judge who had never ceased to maintain his innocence.

Mr. Kerner's 1973 conviction on U.S. charges of mail fraud, tax evasion and perjury, ended a long career of public service in which he had been widely honored, esteemed and admired.

In his prime a handsome man, with a full head of hair, clear blue eyes and an erect carriage, he was a lawyer, a former federal prosecutor, and a retired major general in the Illinois National Guard with a distinguished record in World War II.

Named to the federal bench by President Johnson in 1968, he followed in the footsteps of his distinguished father when he took his seat on the Seventh U.S. Circuit Court of Appeals.

As governor of Illinois from 1961 to 1968, he was known for his belief in civil rights and for his efforts to see that they were enjoyed by all the citizens of his state. He also was known for firmness in the face of disorder.

As governor he was associated with programs for fiscal and administrative reform. He supported efforts in behalf of the mentally ill.



OTTO KERNER

Suave, and softspoken, the 5-foot-7 graduate of Brown University and Northwestern University law school was known as quiet, but tough.

Although the politics of the state of Illinois and his native city of Chicago have not always been held up as examples for the nation, Mr. Kerner's career and character often were cited as impeccable.

A profile written shortly after he became governor in 1961 asserted that even his severest political critics were said to respect his integrity.

He was married in 1934 to Helena Cermak, daughter of Anton J. Cermak, the Chicago mayor who was killed in 1933 by an assassin's bullet intended for President Franklin D. Roosevelt.

Perhaps his greatest national prominence came when he was appointed July 27, 1967, by President Johnson as chairman of the President's Commission on Civil Disorders.

The 11-member panel, set

up in the wake of disturbances in Detroit and Newark and elsewhere, became known to the nation as the Kerner Commission.

Few if any of the conclusions of governmental advisory groups have been so widely quoted as that of the Kerner Commission, which warned that the United States was in danger of becoming "two societies, one black and one white—separate but unequal."

The commission released its findings in March, 1968, calling for programs to aid the black poor, including jobs, housing and welfare reforms.

The report was controversial and not welcomed with equal enthusiasm in all sectors of society, but Mr. Kerner defended it stoutly.

At hearings held on his nomination to the federal bench, Mr. Kerner was questioned closely by Sen. Strom Thurmond (R-S.C.) who protested the report's findings with regard to white racism.

"White racism has a great deal to do with these riots," Mr. Kerner maintained in his testimony.

When new disorders broke out in April, 1968, in Chicago and elsewhere following the assassination of the Rev. Martin Luther King Jr., Mr. Kerner said the commission had thus far done little good.

He lashed out at "people who don't want to do anything about it and don't take the first step."

Mr. Kerner stepped down as governor May 19 to be sworn in the following day as a judge on the court of appeals.

In 1972 the indictment that led to his becoming the first sitting federal appeals court judge to be convicted of a felony was made public.

The indictment charged that he and an associate ob-

tained race track stock for \$15,000 and that it eventually netted them \$144,000 each.

The government contended that they were given chances to obtain the stock at a low price in exchange for their political influence and that they used their influence to aid the companies offering the stock.

The defense argued that the stock transactions were lawful and that there was no evidence to show that the racing firms were given special consideration by the Kerner administration.

At his sentencing on April 19, 1973, he delivered a 12-minute plea for leniency.

"My real punishment has already begun," he said. "It began when 12 men and women of Illinois found I betrayed their public trust."

"But I did not profit from my office at any time. My conscience remains clear and my ultimate faith in justice and the Lord remains unshaken . . . I shall continue to challenge this erroneous verdict as I do today."

After appeals failed Mr. Kerner resigned from the federal bench and surrendered July 29, 1974, to U.S. marshals begin serving a three-year sentence as federal prisoner 00037-123.

He was paroled and released in March, 1975, after tests indicated that he was suffering from possible lung cancer. He underwent surgery on March 11, five days after his release, for removal of a malignant tumor. The malignancy apparently spread despite treatment.

Mr. Kerner never let up in his attempts to clear his name.

"This battle is even more important than life itself," he once said, "because it involves my reputation and honor, which are dearer than life itself."

Mr. Kerner is survived by his 90-year old mother, Rose, a son, Anton Jr., a daughter, Helena, and a sister, May Carter. His wife died in 1973.

The Washington Post 73-18291-A
5/10/76, Page B6
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57 JUN 23 1976

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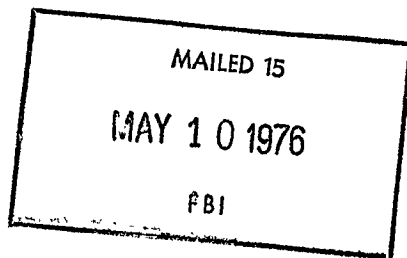
5-10-76

To: SAC, Chicago
From: Director, FBI
OTTO KERNER, JR.
APACS

ReBulet 5-7-76.

"The Washington Post," 5-10-76, page B6, contains an article indicating captioned applicant died 5-9-76 in Chicago. In view of this, the Pardon Attorney's Office was contacted, at which time instructions were given to discontinue the investigation and return applicant's original petition.

In view of above, Chicago return the enclosures furnished your office by referenced letter and consider case RUC your office.



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NOTE: On 5-10-76 [redacted] Staff Assistant, Pardon Attorney's Office, was advised of death of applicant, and she requested all investigation be discontinued and documents returned to the Pardon Attorney's Office.

HJB:hjc
(4)

RETURN TO [redacted] ROOM 3640.

REC 32

73-18291-4

Returned 5/11/76 HJB

JUN 17 1976

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27 JUN 25 1976